IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6082 OF 2007

ALONGWITH

WRIT PETITION NOS. 6083, 6084, 6085,6086, 6087 & 6088 OF 2007.

Ahilyadevi Vivid Karyakari Seva
Sahakari Society Ltd. & anr.... Petitioner

versus

The State of Maharashtra & ors..... Respondent.

Mr. Y.S.Jahagirdar Sr. adv. i/b. P.S.Dani for the petitioners in all matters.
Ms. V.S.Mhaispurkar AGP for Respondent no.1.
Mr. Anturkar with Sandip Salunkhe for Respondent no.4.

CORAM; A.P. DESHPANDE, J.
DATED; 28TH AUGUST, 2007

P.C.;

1. By the present writ petitions an identical order passed by the Collector under Rule 5(2) of the Maharashtra Specified Societies (Election to the Committee) Rules is challenged. In all the cases, facts are similar in as much as the society had nominated, as its delegate, a person whose name is entered in the voter's list as delegate of the society. At a later point of time, the society claims to have changed the name of the delegate and hence urged the Collector to substitute the new name of the delegate, as is permissible under Rule 5(2) of the

Rules. The Collector had directed his subordinate to make an enquiry with a view to find out as to whether the meeting, according to law, was held wherein the decision to change the delegate is said to have been reached. Report in that regard is made by the subordinate. Accepting the report, the Collector has rejected the application filed by the present petitioners for effecting change in the name of the delegate. Aggrieved by the said decision, the present writ petitions have been filed.

2. The learned senior advocate Mr. Jahagirdar has submitted that question of interpretation of Rule 5(2) arises in these petitions to find out as to what is the scope of the enquiry contemplated under Rule 5(2). In the submission of the learned counsel, the Collector cannot even delegate the fact finding enquiry to the subordinates, as the Rule does not so permit. What is relevant to note is that the election programme under Rule 16 has been published on 15th August 2007. All the stages including the stage of scrutiny of the nomination papers has been completed. Any interference with the impugned order at this stage is bound to obstruct the progress of the election. Having regard to the fact that the process of election is on and having regard to the fact that it will not be possible to dispose of the writ petitions without

disturbing the election programme, I decline to interfere with the impugned orders. All questions raised in the present petitions are left open to be urged in the appropriate election petition, in case the petitioner files the same under section 144 of the Co-operative Societies Act. In the result the writ petitions are summarily dismissed.

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